

Ordinary Council Meeting Minutes



Minutes: *Ordinary Council Meeting*

Date: *Monday 10 August 2015*

Time: *8.00pm*

Ordinary Council Meeting

Monday 10 August 2015

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Items Determined Under Delegated Authority by Council Committees

The following items were determined under Delegated Authority. To see the delegated decisions of Council please refer to the individual Committee Meeting Minutes.

Urban Planning Committee held on Monday 27 July 2015

D1 Confirmation of Minutes of Meeting held on 13 July 2015

Community & Environment Committee held on Monday 27 July 2015

D1 Confirmation of Minutes of Meeting held on 13 July 2015

D2 Minutes of the Animal Advisory Committee Meeting of 20 May 2015 (CY1-02)

D3 Ecological Sustainability Taskforce Meeting

Corporate & Works Committee held on Monday 03 August 2015

D1 Confirmation of Minutes of Meeting held on 20 July 2015

D2 Statutory Report on Contractual Conditions of Senior Staff

D3 Kiaora Lands Development - Status Update (SC659)

Development Control Committee held on Monday 03 August 2015

D1 Confirmation of Minutes of Meeting held on 20 July 2015

D2 240-246 New South Head Road, Edgecliff - Site Inspection

D3 71 Kings Street, Vaucluse - called item

D4 DA563/2014/1 - 687 New South Head Road, Rose Bay

D5 DA2011/546 - 19 Kambala Road Bellevue Hill (The Scots College)

D6 DA2014/236 - 327 New South Head Road Double Bay

D7 Register of Current Land and Environment Court Matters and Register for Court Proceedings for Building Control, Environmental Control and Health Control



Ordinary Council Meeting

**Minutes of the Meeting of Woollahra Municipal Council
held at the Council Chambers, 536 New South Head Road, Double Bay, on
10 August 2015 at 8.00pm.**

Present: Her Worship the Mayor, Councillor Toni Zeltzer

Councillors: Ted Bennett
Peter Cavanagh
Luise Elsing
James Keulemans
Greg Levenston
Anthony Marano
Katherine O'Regan
Andrew Petrie
Matthew Robertson
Deborah Thomas
Susan Wynne
Jeff Zulman

Staff: Craig Bennett (Manager – Governance & Council Support)
Allan Coker (Director – Planning & Development)
Stephen Dunshea (Director – Corporate Services)
Gary James (General Manager)
Tom O'Hanlon (Director – Technical Services)
Vicki Munro (Acting Director – Community Services)

Also in Attendance: Nil

Confirmation of Minutes

(Wynne /Bennett)

1/12 **Resolved:**

THAT the Minutes of the Ordinary Council Meeting held on 27 July 2015 be taken as read and confirmed.

Adopted.

Leave of Absence and Apologies

Nil

Declarations of Interest

Councillor O'Regan declared a Non-Significant Non-Pecuniary Interest in Urban Planning Item R1 (Planning Proposal for 83 and 83A Yarranabbe Road, Darling Point) as she is a resident of Thornton Street and there are some objectors living in her building. Councillor O'Regan remained in the meeting, participated in the debate and voted on this matter.

Note: Councillor Petrie declared a Non-Significant Non-Pecuniary Interest in Urban Planning Item R1 (Planning Proposal for 83 and 83A Yarranabbe Road, Darling Point) at the Urban Planning Committee Meeting held on Monday 27 July 2015 as his mother-in-law lived for many years at 85 Yarranabbe Road. She has now sold the property. Councillor Petrie remained in the meeting, participated in the debate and voted on this matter.

Note: Councillor Thomas declared a Non-Significant Non-Pecuniary Interest in Urban Planning Item R1 (Planning Proposal for 83 and 83A Yarranabbe Road, Darling Point) at the Urban Planning Committee Meeting held on Monday 27 July 2015 as the developer's brother lives one property down from her residence. Councillor Thomas remained in the meeting, participated in the debate and voted on this matter.

Late Correspondence

Note: Council resolution of 27 June 2011 to read late correspondence in conjunction with the relevant Agenda Item R1 (Urban Planning).

Petitions Tabled

Petition No: 1
From: Chief Petitioner
Table by Councillor: Matthew Robertson
File No: SC2503

The Petition was in terms,

Save Our Harbour Foreshores Petition

Woollahra Council is considering a Planning Proposal which breaches the Foreshore Building Line, the height restriction and the bulk ratio rulings at 83 & 83A Yarranabbe Road.

This Proposal would allow a unit block to be built nearer to the Harbour Foreshore than is permitted by Council's rules which protect the foreshore.

This is of great concern for the future because it creates an exception to the ruling and is an invitation to other developers to build nearer to the foreshore using this as a precedent.

We the undersigned, ask our Councillors to reject this Planning Proposal and to continue to protect our scenic foreshore from over development as previous Councils have done so long.

Motion moved by Councillor Robertson
Seconded by Councillor Petrie

2/12 That the petition lie on the table for fourteen (14) days and be referred to Council's Strategic Planning Department for consideration.

Adopted

Suspension of Standing Orders

Councillor Wynne

- 3/12 THAT Standing Orders be suspended to allow Councillor Wynne to advise Council of the Sun-Herald City2Surf event.

Adopted

The Mayor ruled Urgency and permitted the Suspension of Standing Orders.

Councillor Wynne advised:

That she wanted to congratulate staff for their clean-up efforts after the running of the Sun-Herald City2Surf on Sunday 9 August 2015.

It is a massive event but yet again staff excelled themselves with their clean-up operation. By 3 pm you would not have known that there had been 80,000 people running through the Woollahra Municipality.

It was a terrific event and the clean-up operation that Council undertakes is extraordinary. She requested that the Director Technical Services pass on her thanks to the staff involved in the clean-up operation.

The Mayor, Councillor Toni Zeltzer also wanted to pass on her gratitude to the staff.

The Council noted the information.

Councillor Cavanagh

- 4/12 That the Suspension of Standing Orders continue to allow Councillor Cavanagh to advise Council of the Paddington Society Annual General Dinner.

Adopted

The Mayor ruled Urgency and permitted the continuation of the Suspension of Standing Orders.

Councillor Cavanagh advised:

That he attended the Paddington Society Annual General Dinner on Thursday 6 August 2015, along with Councillors Petrie, Robertson, O'Regan and Elsing.

It was a very enjoyable evening. All the speakers highlighted the great things that the Paddington Society is doing.

He thanked all of the other Councillors for attending as it demonstrated the importance of the Paddington Society.

The Council noted the information.

Councillor Robertson

- 5/12** That the Suspension of Standing Orders continue to allow Councillor Robertson to advise Council of the Paddington Society Annual General Dinner.

Adopted

The Mayor ruled Urgency and permitted the continuation of the Suspension of Standing Orders.

Councillor Robertson advised:

That he also attended the Paddington Society Annual General Dinner.

He thanked Councillor Cavanagh for his speech. It was informative and inspiring to hear about all of the good work that this Council is doing in Paddington.

The Council noted the information.

Councillor Robertson

- 6/12** That the Suspension of Standing Orders continue to allow Councillor Robertson to advise Council of the Woollahra Design Excellence Awards.

Adopted

The Mayor ruled Urgency and permitted the continuation of the Suspension of Standing Orders.

Councillor Robertson advised:

That he attended the Woollahra Design Excellence Awards on Thursday 6 August 2015. He thanked the staff for making it a sublimely enjoyable evening.

He gave special thanks to the Hon Paul Keating for attending the event. He felt that he gave the evening a sense of gravitas. He complimented the Mayor, Councillor Toni Zeltzer, for achieving one of her central aims.

It was a night enjoyed by all.

He touched on one matter that the former Prime Minister, the Hon Paul Keating highlighted. He commended Woollahra Council for its dedication to heritage. He focussed many of his remarks around heritage. He said that a society that forgets where it comes from doesn't know who it is and where it is going.

Councillor Robertson thought that those were wise words that will be remembered by all of us.

The Council noted the information.

Councillor Marano

- 7/12 That the Suspension of Standing Orders continue to allow Councillor Marano to advise Council of the Woollahra Design Excellence Awards.

Adopted**The Mayor ruled Urgency and permitted the continuation of the Suspension of Standing Orders.****Councillor Marano advised:**

That he also attended the Woollahra Design Excellence Awards on Thursday 6 August 2015. It is an event that has returned after a couple of years under a new name. It was a very successful event and he hoped that it would grow like the Small Sculpture Prize has.

The event celebrates and inspires urban design from architects in categories including heritage, contemporary design and sustainability. The event had a Mayor's Award and a People's Choice Award in addition to the categories listed above. Eminent architects all won awards on the night.

Councillor Marano thanked Council's Director of Planning and Development, Manager Strategic Planning and Strategic Heritage Officer for putting so much work into the event. He felt that the results demonstrated all of the hard work undertaken by staff.

He thought that the Hon Paul Keating made one of the best speeches ever made in this building. He touched on the importance of Woollahra retaining its identity and Woollahra not amalgamating.

The Council noted the information.**Councillor Zulman**

- 8/12 That the Suspension of Standing Orders continue to allow Councillor Zulman to advise Council of the Sun-Herald City2Surf event.

Adopted**The Mayor ruled Urgency and permitted the continuation of the Suspension of Standing Orders.****Councillor Zulman advised:**

That he wanted to thank the Director Technical Services and his staff for their efforts. He marvelled at how 80,000 people can be invited into your backyard and then all signs of any rubbish be removed, which is quite incredible.

He made special mention of a group (52 runners) that came together to run in the race yesterday in honour of Dr Henri Sueke, a paediatric ophthalmologist, who was tragically killed in a cycling accident in Rose Bay recently.

The group raised several thousand dollars for the Westmead Children's Hospital and for an English charity, Vision4Children, which raises money for spinal muscular atrophy.

The Council noted the information.

Councillor Zulman

- 9/12** That the Suspension of Standing Orders continue to allow Councillor Zulman to advise Council of the book launch of 'Inside Out'.

Adopted

The Mayor ruled Urgency and permitted the continuation of the Suspension of Standing Orders.

Councillor Zulman advised:

That he had earlier this evening attended the book launch of 'Inside Out' on behalf of the Mayor, Councillor Toni Zeltzer. The launch was conducted by the Hon Michael Kirby AC CMG.

The Book was written by Greg Fisher, the general manager of Bondi community run kitchen, Our Big Kitchen. It discusses how he struggled with drug addiction, went to prison and lost everything. He then rebuilt his life after coming out of prison. It was a very moving and emotional evening. All of the proceeds from the event went to charity.

Both Woollahra and Waverley Councils were mentioned at the launch.

The Council noted the information.

Corporate & Works Committee

Items with Recommendations from the Committee Meeting of Monday 3 August 2015 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **KIAORA LANDS REDEVELOPMENT REFINANCING OPPORTUNITIES (FY 262-02)**
Authors: Don Johnston, Chief Financial Officer
Stephen Dunshea, Director - Corporate Services
Approver: Gary James, General Manager
File No: 15/89107
Reason for Report: To seek approval to proceed with refinancing Stage 1 of the Kiaora Lands Redevelopment

(Thomas/Cavanagh)

10/12 Resolved:

THAT consideration of the matter be deferred pending a further report to the Corporate & Works Committee exploring the use of Council's Reserves to fund Stage 2 of the Kiaora Lands development in place of the \$18.5m loan funding.

Urban Planning Committee

Items with Recommendations from the Committee Meeting of Monday 27 July 2015 Submitted to the Council for Determination

- Item No:** R1 Recommendation to Council
- Subject:** **PLANNING PROPOSAL FOR 83 AND 83A YARRANABBE ROAD, DARLING POINT (SC2503)**
- Author:** Brendan Metcalfe, Strategic Planner
- Approver:** Anne White, Acting Team Leader, Strategic Planning
Chris Bluett, Manager Strategic Planning
Allan Coker, Director Planning and Environment
- File No:** 15/66454
- Reason for Report:** To report on the public exhibition of the planning proposal for 83 and 83A Yarranabbe Road, Darling Point.
To obtain Council's approval to proceed with finalisation of the planning proposal.
- Note:** Councillor O'Regan declared a Non-Significant Non-Pecuniary Interest in this Item as she is a resident of Thornton Street and there are some objectors living in her building. Councillor O'Regan remained in the meeting, participated in the debate and voted on this matter.
- Note:** Councillor Petrie declared a Non-Significant, Non-Pecuniary Interest in this Item, at the Urban Planning Committee Meeting held on Monday 27 July 2015 as his Mother in law lived for many years in 85 Yarranabbe Road. She has now sold the property. Councillor Petrie remained in the meeting, participated in the debate and voted on this matter.
- Note:** Councillor Thomas declared a Non-Significant, Non-Pecuniary Interest in this Item, at the Urban Planning Committee Meeting held on Monday 27 July 2015 as the developer's brother lives one property down from her residence. Councillor Thomas remained in the meeting, participated in the debate and voted on this matter.
- Note:** Late correspondence was tabled by Council's Strategic Planner, Brendan Metcalfe, John Roth, Victoria Taylor, Chickey Bray, Janet Hemery, Charlotte Feldman, Darling Point Society and Elizabeth Richards.

**Motion moved by Councillor Petrie
Seconded by Councillor Marano**

THAT Council Refuse the planning proposal for 83 and 83A Yarranabbe Road, Darling Point.

**Amendment moved by Councillor Zulman
Seconded by Councillor Elsing**

- A. THAT Council proceed with the planning proposal for 83 and 83A Yarranabbe Road, Darling Point.
- B. THAT Council exercise its delegation authorised by the Department of Planning and Environment on 12 May 2014, to finalise the planning proposal under section 59(2) of *the Environmental Planning and Assessment Act 1979*.

The Amendment was put and lost.

The Motion was put and carried.

(Petrie/Marano)

11/12 Resolved:

THAT Council Refuse the planning proposal for 83 and 83A Yarranabbe Road, Darling Point.

Note: In accordance with section 375A of the Local Government Act a Division of votes is recorded on this planning matter.

For the Motion

Councillor Cavanagh
Councillor Keulemans
Councillor Levenston
Councillor Marano
Councillor O'Regan
Councillor Petrie
Councillor Robertson
Councillor Thomas
Councillor Wynne

Against the Motion

Councillor Bennett
Councillor Elsing
Councillor Zeltzer
Councillor Zulman

9/4

Community & Environment Committee

Items with Recommendations from the Committee Meeting of Monday 27 July 2015 Submitted to the Council for Determination

Item No: R1 Recommendation to Council
Subject: **WOOLLAHRA PLAQUES ADVISORY COMMITTEE - MINUTES OF MEETING 3 JUNE 2015**
Author: Joan Ruthven, Library Community Programs Team Leader
Approvers: Vicki Munro, Manager - Library & Information Services
Kylie Walshe, Director - Community Services
File No: 15/89928
Reason for Report: To table the minutes of the Woollahra Plaques Advisory Committee meeting held on Wednesday 3 June 2015.

(Marano/Thomas)

12/12 Resolved without debate:

- A. THAT the minutes of the Woollahra Plaques Advisory Committee meeting held on Wednesday 3 June 2015 be noted and endorsed.
- B. THAT the recommendations of the Woollahra Plaques Advisory Committee regarding the selection of nominations for the 2015 Woollahra Council Plaque Scheme be adopted – Margaret Olley, Herbert (Henry) Dally Messenger and Captain John Piper.

Notices of Motion

Item No: 11.1
From: Councillor Ted Bennett
Date: 3/08/2015
File No: 15/104989

(Bennett/O'Regan)

13/12 Resolved without debate:

THAT the working party which will be established in response to Council's resolution of 27 April 2015 also consider the merit of changing the maximum residential car parking standards contained in chapter E1.4.2 of the Woollahra Development Control Plan 2015 (DCP) to minimum standards and also consider if the excavation controls contained in chapter B3.4 of the DCP should be changed to accommodate this change.

Adopted.

Item No: 11.2
From: Councillors Matthew Robertson and Greg Levenston
Date: 5/08/2015
File No: 15/106549

(Robertson/Levenston)

14/12 Resolved without debate:

THAT Council

- a) Note the high degree of local residents' support of National Tree Day efforts towards regenerating bushland and increasing community participation in the care of Cooper Park North.
- b) Request staff to prepare a feasibility report on the installation of raised planter beds for a small informal community garden adjacent to the bush regeneration site at Cooper Park North, detailing community support and associated costs.

Adopted.

Item No: 11.3
From: Councillors Susan Wynne and Ted Bennett
Date: 5/08/2015
File No: 15/106779

(Wynne /Bennett)

15/12 Resolved:

THAT Council write to the Minister for Roads stating that we welcome the changes to restrictions for boat and trailer parking, whereby a boat and trailer can be impounded after three months if it remains in the same location. However Council express the need for further action to be taken which would give Council the authority to control where boat and trailer parking can occur. This is particularly an issue when boats and trailers can simply move a few metres down the road to overcome the new laws. Trailers are also still used extensively for advertising and Council would welcome additional control/action over trailers used for this purpose.

Further actions to be considered :

1. Ban all boat and trailer parking within 100 metres of school zones.
2. Ban all trailer parking used for advertising.
3. Reduce the turnaround from 90 days to 7 days.
4. Request a meeting with the Minister for Roads to discuss any other appropriate strategies.

Adopted.

Questions for Next Meeting

Item No: 12.1
Subject: **QUESTIONS FOR NEXT MEETING**
Author: Sue O'Connor - Governance
File No: 15/106922
Reason for Report: To provide a response to Questions for Next Meeting from Council Meeting of 27 July 2015 and for Councillors to ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

(Petrie/Wynne)

16/12 Resolved:

THAT Councillors ask Questions for Next Meeting in accordance with Council's Code of Meeting Practice.

Adopted.

The following questions were asked:-

Councillor Levenston asking:

I am asking who is responsible for deciding an upgrade and amenity improvement to the ferry wharf at Double Bay and can we facilitate that enquiry and review as soon as possible?

Director Technical Services in response:

Madam Mayor, those decisions rest with the Roads and Maritime Services (RMS). I can inform the Council, I don't have the details of when, but I understand that the upgrade of the Double Bay ferry wharf which was proposed a couple of years ago and then was put on the back burner is now on the front burner again and will happen very soon.

Councillor Petrie asking:

Mr O'Hanlon, I refer to an email that I sent to you a week ago on behalf of a resident who requested we consider residents parking their own cars in front of their own driveways.

My take on the matter is this could increase the number of car spaces especially in Paddington (as an example) significantly. Could you give a response to that?

Director Technical Services in response:

On notice.

Councillor Robertson asking:

Can you please update the Council on the work your staff have undertaken in consultation with local residents in Paddington with respect to establishing a potted community garden at Windsor Street Lane where it meets Cascade Street. When will this garden be constructed and will a community event be held to celebrate its opening and increase community awareness of the facility?

Director Technical Services in response:

On notice.

Councillor Robertson asking:

Can you provide an update for us on the Development Assessment (DA) activity for 9A Cooper Park Road. I am interested to know whether Council's refusal of the most recent DA has been contested in the Land and Environment Court?

Director Planning and Development in response:

On notice.

Councillor Robertson asking:

Is that rather unsightly 1980's style cigarette butt-bin which is still living outside the public entrance to this building in breach of the new smoke free environment legislation? If so can we please get rid of that rather unsightly cigarette butt-bin.

Director Planning and Development in response:

On notice.

Councillor Thomas asking:

Just wondering where Council is up to in regards to the report on external assessment of Development Applications (DA's)? With a mind to whether Council accept decisions in full or have some recourse to assess contentious DA's?

Director Planning and Development in response:

Madam Mayor, the resolution I think Councillor Thomas might be referring to is a resolution asking us to report back on the merit of an IHAP. We are well advanced with that report and we will have that back to the Development Control Committee if not this month then early in September.

There being no further business the meeting concluded at 9.10 pm.

We certify that the pages numbered 2473 to 2490 inclusive are the Minutes of the Ordinary Meeting of Woollahra Municipal Council held on 10 August 2015 and confirmed by Council at the Ordinary Meeting of Council on 24 August 2015 as correct.

General Manager

Mayor